

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26887 of 2017

ORDER:

This Writ Petition is filed challenging the action of respondents in not releasing land acquisition compensation in respect of shop No.6-1-7 (4) shops situated at Hanmanpura (Dislary) Mahaboobnagar Town & District, Telangana State.

The petitioner states that he is owner of shop bearing No.6-1-7 in an extent of 44 Sq.yds, having got registered the same under gift deed from his relative and his name was also mutated in the municipal records. The case of the petitioner is that the 4th respondent demolished the shops constructed in the said area in the year 1997 in the process of widening of Mahabubnagar – Raichur Road. When the petitioner approached the 4th respondent for compensation under Land Acquisition Act, 1894 no compensation was paid to him. Therefore, he has issued a legal notice and the same was replied by the District Roads & Buildings Officer, Mahabubnagar District vide letter No.DB/D1/M/2017/68, dated nil-02-2017, stating as follows:

“With reference to the legal notice issued vide reference 1st cited, I have to state that some part of the 4 shops bearing No.6-1-7 at Hanumanpura, Mahabubnagar was demolished during the year 1997 according to the master plan for widening of Mahabubnagar-Raichur road from Km.0/0 to 4/0 in the town limits of Mahabubnagar in coordination with the Municipality and Revenue Department upto 40’ feet of the road only even though as per norms of SH the road boundary is 50’ feet on either

side from the center of the road. The structures are within the road boundary hence the compensation was not made and the same facts were informed to Sri.M.Panduji by the then Executive Engineer (R&B) Division, Mahabubnagar vide Lr.No.EE-M/2010, Dt.12.11.2010. (A copy of the same is herewith enclosed). But surprisingly Sri M.Panduji is repeatedly making representations for making compensation is not considerable.

In view of the above, once again I have to inform that the demolished structures are within the road boundary and the structures are demolished as per the master plan, hence it is not possible to make the compensation for the unauthorised structures within the road boundary.”

In view of the dispute with regard to title of the petitioner and claim for compensation, it is left open to the petitioner to avail proper civil remedies and the writ petition is not a proper remedy and no relief can be granted in the present writ petition.

Accordingly, the Writ Petition is dismissed at the admission stage.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

11.08.2017
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